CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE EIGHT HUNDRED AND NINETY-EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 March 2002, at 10.15 a.m.

President: Mr. Markku Reimaa (Finland)

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The PRESIDENT: I have the honour to open the 898th plenary meeting of the Conference on Disarmament. It is a great honour for me to have this opportunity and to assume the functions of the presidency of the Conference on Disarmament. For Finland, this is the first time. I can assure you that we recognize our responsibility. In this room, there are only responsible chairs. I can assure you that we shall try to do our best to serve the common cause and to build on the very encouraging achievements reached by my predecessors, particularly by my colleagues from Egypt and Ethiopia.

It is my very great pleasure to welcome most warmly His Excellency Mr. Bill Graham, the Minister for Foreign Affairs of Canada, to address this plenary. I am sure that his statement will be followed with great interest, taking into account the very clear commitment of Canada to this forum and the contributions made in the past by our Canadian colleagues to efforts to bring our deliberations forward.

Mr. GRAHAM (Canada): Mr. President, perhaps I could personally congratulate you on your election as President for this session. I have just been selected as Minister for Foreign Affairs and you have just been elected President, so you and I should get along fine.

Colleagues, three weeks ago, the keepers of the "Doomsday Clock" advanced its hands nearer to the midnight hour, symbolizing the possibility of a nuclear weapons conflict - its closest since the end of the cold war, citing worries over lagging disarmament efforts, the security of existing stockpiles and terrorism.

The directors of the Bulletin of the Atomic Scientists, a magazine that has campaigned for nuclear disarmament since 1947, pushed the hands forward by two minutes, to seven minutes to midnight.

Seven minutes to midnight. After what the world has been through with 11 September, one would think that our minds would finally be concentrated and that we would see - more clearly than ever - the need for an international security system within which all people and countries might feel secure.

As the Bulletin of the Atomic Scientists reminds us, however, we are still a long way from realizing the goals of nuclear disarmament and, indeed, a long way from making the world free from weapons of mass destruction.

Mr. President, it is an honour for me to join you here at the Conference on Disarmament today. I have only held my portfolio for two months, but as a parliamentarian and the Chair of the Canadian Parliament's Standing Committee on Foreign Affairs for seven years, I have followed in detail and for some time the non-proliferation, arms control and disarmament agenda, and the work of the Conference on Disarmament.

(Mr. Graham, Canada)

In 1998 our committee tabled in Parliament its report entitled "Canada and the nuclear challenge: Reducing the political value of nuclear weapons for the twenty-first century". Since then we have worked in concert with the Middle Powers Initiative and other Canadian and international non-governmental organizations on issues related to disarmament and nuclear proliferation.

It is for this reason that I would like to speak candidly about this forum and, more importantly, about the responsibilities we share in moving forward the non-proliferation, arms control and disarmament agenda.

The Conference on Disarmament is, as we all know, our unique, permanent multilateral forum for negotiating non-proliferation, arms control and disarmament instruments. It is therefore a forum which does not exist merely for the sake of debate. Its mandate is clear: to negotiate treaties that will be global in reach; that will be verifiable; and that will contribute in real ways to security. The track record of the Conference on Disarmament is quite impressive: the Comprehensive Nuclear-Test-Ban Treaty; the Chemical Weapons Convention. The Conference's predecessor produced the Biological and Toxin Weapons Convention and the Nuclear Non-Proliferation Treaty. Perhaps this is all we can expect in the lifetime of any multilateral forum. Maybe. But I think we should expect more. Expecting more of the Conference on Disarmament, we must demand more of ourselves.

Today, unfortunately, not only is the Conference on Disarmament unable to agree on a programme of work to expand the corpus of international law in the field of non-proliferation, arms control and disarmament, but the existing system of treaties, representing the acquired gains of decades, is threatened from within and without.

In our view the present situation is one of grave concern.

The conclusion of treaties is not an end in itself. Treaties are rightly known as instruments - tools for achieving an objective - in this case the consolidation of international peace and security. It may sound trite and may sound somewhat old-fashioned, but Canada continues to be of the firm view that multilateral, legally binding treaties are indispensable tools in building common security.

Who can contend that absolute prohibitions on chemical and biological weapons do not enhance global security? Who can pretend that the ban on testing nuclear weapons does not lessen the risk of their use? Who can claim that the covenant enshrined in the NPT has not impeded the spread of nuclear weapons while guiding us on the road to their total elimination? Who can deny that we have developed a resilient global system, with clearly identified parameters and standards of behaviour as a result of our common efforts over the decades? Equally, however, who would suggest that we should not do more to ensure that commitments are fully implemented, to assure ourselves that States are acting in word and in deed in full compliance with their legal undertakings, and to ensure that the international community can be fully satisfied that countries are not pursuing weapons-of-mass-destruction programmes?

(Mr. Graham, Canada)

It may be that treaties - mere paper - cannot constrain States bend on acquiring weapons of mass destruction, much less terrorists who know no such constraints. But we would never suggest that, in dealing with the crucial issues of national and international security, there is only one solution to every situation. Our shared security system is, in fact, the sum of many parts.

That is why we also need robust national defence forces along with military and political alliances, national export controls and international export control arrangements, national intelligence agencies and multilateral monitoring, voluntary arms reductions and transparency measures, and verification protocols and cooperative weapons destruction programmes. These are all necessary elements in building security and promoting peace.

If we are to be frank with one another, we must also admit that it is no secret that some countries seek to hide behind the cover of multilateral processes and use the language of fairness and non-discrimination as a cover for their pursuit of weapons of mass destruction. These countries devalue the multilateral system. Those of us that truly care about our institutions and the legal regime that underpins them must be vigilant and speak clearly when we see such abuses and work together - through and with the instruments we have so carefully constructed in the multilateral system - to take common action.

Our societies are based upon the rule of law, and the sustainable, shared global future that we seek must have the same basis, however difficult it may be to obtain universal acceptance of the rules and establish effective means of enforcement. Examples close to home illustrate the point: we do not dispense with domestic law because we know some will defy the law; nor do homeowners consider stronger locks an adequate substitute for the law. Security is complex and elusive, but we need both protection and the law for real protection.

The only real option - embracing the rule of law, whether as individuals in society or as States in the international community - means accepting agreed parameters for our approaches. This could include foreclosing some options. But this in its own way opens other options - collective options - which have the power of international legitimacy. Embracing the rule of law means that the law must apply to all, equally. This basic principle is of fundamental importance. Indeed, the more complex the world becomes, the more clearly this principle resonates.

Yet compared with national societies, global polity - as I need hardly remind the people in this room - is in its infancy. Multilateral norms set standards of conduct but are often unaccompanied by any means of assuring that these standards are met. The Biological and Toxin Weapons Convention was the first treaty to ban an entire class of weapon, but 30 years after its conclusion its norm is in jeopardy because of the imperfect compliance of some States parties, and equally because of our failure to agree upon an even modest mechanism to monitor and encourage compliance. By contrast, the Organization for the Prohibition of Chemical Weapons and the International Atomic Energy Agency can provide rigorous verification regimes for the Chemical Weapons Convention and the Non-Proliferation Treaty respectively, but they

(Mr. Graham, Canada)

too lack the resources necessary to carry out their tasks, as well as the cooperation of some member States. Surely at this crucial moment when collective movement forward seems to be so difficult, we can at least rally behind our institutions and ensure their continued effective functioning. This is in all our interests.

Even in cases where States have clearly violated their basic legal obligations under treaty regimes, we lack an agreed and workable means of enforcing compliance. We have yet to devise an acceptable response to those who flout international law in the sphere of non-proliferation, arms control and disarmament. We all agree that the risk of inaction, of looking away while countries pursue weapons of mass destruction, is unacceptable and cannot be countenanced. But even if we recognize that coercion may in rare cases be necessary to prevent the proliferation of weapons of mass destruction and to ensure their elimination, we must require that such coercion be firmly grounded in a rules-based multilateral system. Otherwise we condemn ourselves to live in a world governed solely by power, a solution that may suit our purposes today but as history has demonstrated, may not be relied upon forever.

Multilateral negotiations, on the other hand, are often painfully slow and untidy, but our frustration and justifiable impatience with these processes should lead us to reinvigorate them, to reform them, to consider alternatives, but not, I suggest, to walk away.

As partisans of non-proliferation, arms control and disarmament, we must assure ourselves that we not only respect our treaty obligations but are seen to do so, that our policies and practices are consistent with the spirit as well as the letter of our international undertakings.

The NPT, nearly universal as a legal instrument and, indeed, universal as a norm, is at the core of non-proliferation and disarmament efforts. Its regime is not confined to the bare bones of the Treaty but incorporates the fuller understandings of the Treaty's purport achieved through the strengthened review process. But have we all concluded additional protocols with the International Atomic Energy Agency? And how can we explain the faltering progress toward implementation of the 13 practical steps toward the fulfilment of article VI, agreed to at the last Review Conference? At the beginning of the new review cycle next month, Canada will press for these and related concerns in applying the Treaty's hard-won systems of accountability.

Prominent among the 13 steps is a call for the Conference on Disarmament to negotiate a fissile material treaty. Despite an agreed negotiating mandate, itself the product of years of work, the Governments represented here are unwilling to agree on a formula to resume negotiations for such a treaty. It is really troubling that such an instrument, which would simultaneously advance both disarmament and non-proliferation goals, remains within reach but seemingly is unattainable.

At the same time, there is general support for work in the Conference on Disarmament on the prevention of an arms race in outer space, and on aspects of nuclear disarmament outside the purview of a ban on fissile materials. Yet again, member States cannot agree even to begin such

(Mr. Graham, Canada)

work. It is distressing to note that, despite the best efforts of so many individuals in this forum, the Conference on Disarmament is still unable to agree on a work programme that would allow it to get back to business on all three items. Canada appeals to all member States to demonstrate the flexibility needed to overcome the Conference's impasse in these three areas of such importance to our future collective security.

What alternatives are available if the Conference on Disarmament cannot deliver? Although we would prefer the Conference to be truly representative by allowing participation by all interested States, Canada nonetheless regards this forum as the first choice for any multilateral negotiation for a non-proliferation, arms control and disarmament instrument. The first choice, but not the only choice.

Ad hoc parallel processes have been shown to yield real results. They have given us the Ottawa Convention against anti-personnel mines, and promised to produce an international code of conduct against ballistic missile proliferation. The existing Outer Space Treaty bans weapons of mass destruction from space. In the absence of work in the Conference on Disarmament, would a protocol to the Outer Space Treaty be an appropriate vehicle to prevent the weaponization of outer space?

Humanity demands that the menace of weapons of mass destruction be eradicated; that the prohibitions on biological and chemical weapons be perfected; that States cheating be caught, exposed and compelled to comply; that legitimate industry and dual-use trade flourish without feeding weapons programmes; that nuclear weapons be progressively devalued, marginalized and eliminated; and that the heavens remain forever a sanctuary free from weapons of any description and not become a place of threat or potential mass destruction.

We have the science and, I suggest, skill to realize these ambitions. Because, however, of the mistrust that we have for one another, we lack the spirit to generate the political will. Treaty regimes are long-term investments in security, enhancing security by preventing threats before they can arise. The world is too complex and too dangerous a place to rely simply on responding to threats from those who would seek to use the most heinous weapons systems in order to wreak terror or advance their ambitions. We need to be far more proactive. We must not passively await threats from weapons of mass destruction, but deal with weapons-of-mass-destruction aspirations and programmes at their very genesis. This means that we need to build a security system that will enable us to set standards, work together to meet those standards, measure behaviour, redress concerns and penalize those who violate our commonly agreed codes. And it implies a continuum of commitment, resources and political will - something we all talk about but fail to act on.

In closing, Mr. President, I would be remiss if I were not to repeat Canada's non-proliferation, arms control and disarmament priorities.

(Mr. Graham, Canada)

We seek the total elimination of all weapons of mass destruction. To that end we will work to achieve the full implementation of the 13 practical steps agreed at the 2000 NPT Review Conference. In that context, we want early entry into force of the CTBT and, in the interim, the most effective organization that we can devise to support the treaty regime. The political value of nuclear weapons must be devalued, particularly as their purpose is primarily political. The negative security assurances provided by nuclear-weapon States to non-nuclear-weapon States party to the NPT are a vital element in international security and must be preserved and respected. We seek a robust and effective Organization for the Prohibition of Chemical Weapons and International Atomic Energy Agency, and a compliance regime for the Biological and Toxins Weapons Convention.

We advocate effective global and regional action on the use of small arms and light weapons and other conventional weapons, and universal adherence to the anti-personnel mine ban convention. This body should be freed to take up the Amorim proposal and deliver to the world, urgently, a treaty to ban the production of fissile material for weapons purposes and to work on nuclear disarmament and the non-weaponization of outer space.

These goals, which we cannot shirk, require the underpinning of legally-binding instruments. Law can be enforced if it is to be effective, but it cannot be imposed. And international norms must be nurtured, validated and promulgated so that they become the new standards for international behaviour. These can be developed only through painstaking, multilateral negotiation, whether in the Conference on Disarmament or elsewhere. It is our earnest hope in Canada that the Conference on Disarmament will play its rightful part in this important process. I can assure you that Canada will be working in the spirit of commitment to common values and common action to build real security and that I will do my best, as my country's Foreign Minister, to ensure that Canada's policies and actions are dedicated to these goals so important to humanity.

Let us all work together to reverse the decision of the directors of the Bulletin of the Atomic Scientists and push back the hands of the "Doomsday Clock", so that we may all breathe more securely and work together for our common development, not our assured destruction.

The PRESIDENT: I thank the Hon. Mr. Graham, Minister for Foreign Affairs, for his very important statement.

Ladies and gentlemen, may I just ask you to remain in the hall. I shall now suspend the meeting for a couple of minutes.

The meeting was suspended at 10.35 a.m. and resumed at 10.40 a.m.

The PRESIDENT: Dear colleagues, we now continue the plenary.

We have one more speaker on the list of speakers. I give the floor to Mr. Murat Esenli, the representative of Turkey.

Mr. ESENLI (Turkey): Mr. President, since this is the first time my delegation has the privilege of speaking following the appointment of Mr. Sergei Ordzhonikidze as Secretary-General of the Conference, as well as under your presidency, I would like to extend our congratulations to you both and to assure you of the Turkish delegation's full support in the discharge of your functions and in the pursuit of what we still hope will be a productive and forward-looking session of the Conference on Disarmament.

Taking advantage of the opportunity afforded us by the visit of the Minister for Foreign Affairs of Canada, the Hon. William Graham, distinguished representative of the country which has spearheaded the global anti-personnel landmine movement, I wish to read out the press statement of the Ministry of Foreign Affairs of the Republic of Turkey on my Government's indefinite unilateral extension of the comprehensive moratorium on the export and transfer of anti-personnel landmines. I quote:

> "In view of the human sufferings and casualties by anti-personnel landmines, the international community has long been endeavouring to take effective measures in order to prevent their use. The resolutions of the United Nations General Assembly calling on Member States to implement a moratorium on the export of anti-personnel landmines have constituted an important part of these efforts since 1993. In the light of these resolutions, Turkey unilaterally declared on 17 January 1996 a comprehensive moratorium on all anti-personnel landmine exports and transfers for a renewable term of three years.
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> "Moratoriums on the export of anti-personnel landmines were superseded on 1 March 1999 by the entry into force of the Ottawa Convention, which provides for the total prohibition of the use, stockpiling, production and transfer of the said mines as well as their destruction. The security situation around Turkey precluded it from signing the Ottawa Convention at the time of its conclusion. Nevertheless, as an expression of its commitment to the humanitarian objectives of the Convention, Turkey extended its national moratorium on the export and transfer of anti-personnel landmines on 17 January 1999 for another three years. Turkey also concluded agreements with Bulgaria in March 1999 and with Georgia in January 2001, with a view to establishing regimes for keeping the common borders free from these mines.
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> "After careful consideration, Turkey has now decided to accede to the Ottawa Convention. Moreover, Turkey and Greece have agreed to start concurrently the procedures that will make both countries parties to the Ottawa Convention. Turkey has come to the stage of submitting the Convention to the Turkish Grand National Assembly for finalization of the accession procedures.
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> "In the meantime, Turkey's national moratorium on the export and transfer of anti-personnel landmines expired in January 2002. Turkey has decided to extend once again her moratorium on the export and transfer of anti-personnel landmines, this time indefinitely, as an expression of her sincere commitment to becoming party to the Ottawa Convention."

The PRESIDENT: I thank the representative of Turkey for his statement. Any further interventions in this plenary?

If there are no further requests to speak in this plenary, I would like to give some indication of how we intend to allocate our time during the Finnish presidency, which, as you see, will be divided into two main parts: this week and next week, before the break, and then the last two weeks, starting on 13 May.

We have started bilateral consultations, we held group coordinator consultations yesterday, and we have started to elaborate how to utilize this time in the best possible way. I shall continue bilateral consultations parallel to that and try to build upon the achievements, as mentioned, of previous Presidents. CD/1624 remains the best basis and reference for our consultations.

It is my intention to try to prepare for you, very informally and in very close coordination with all of you, some additional practical elements to be considered during the break and, when we return on 13 May, I hope that we might see some chances to utilize the Conference's potential more efficiently.

As to the practical timetable before us, I should like to inform you that the next plenary meeting will be held this coming Thursday, 21 March, at 10 a.m. in this very room, and we already have on the list of speakers the Minister for Foreign Affairs of Kazakhstan, Mr. Tokaev, and the Secretary of State of the Ministry of Foreign Affairs of Finland, Mr. Satuli.

Furthermore, we will have one plenary next week, on Thursday, 28 March, and, as I understand, we are expecting one more foreign minister, at least, to address the plenary on that day.

If there are no more comments or requests for the floor today, it is my intention to close this plenary. The next plenary will take place here on Thursday, 21 March 2002, at 10 a.m.

The meeting rose at 10.45 a.m.